

80

Notice of Allowability	Application No.	Applicant(s)	
	09/580,904	SHAFRIR ET AL.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on February 28, 2006.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Statement of Reasons for Allowance

1. This Office Action is in response to the *Appeal Brief* filed on February 28, 2006 for the above-identified patent application. After further reviewing the claimed subject matter and the applicant's arguments, the rejection to the claims is withdrawn, and as a result all the pending claims are allowed.

2. The following is an examiner's statement of reasons for allowance: The examiner has carefully considered the claims 1 through 33. The present invention relates to a system and method for presenting a user status indicator for network users on the system and establishes communications with network users through the user status indicator.

The prior art of record, Mirabilis' ICQ, Quick Tour, is a communication software that enables user to send files, messages, URLs, or chat with other ICQ users. User can communicate with anyone on the Net without having to make any prior arrangements. ICQ searches the Net for the user and alerts the user when the user is online. While the user work with other applications, ICQ alerts you when friends and associates log in, allowing you to work efficiently while maintaining a wide range of Internet functions at your fingertips. Among the functions available are: chat, message, e-mail, and URL and file transfer.

Independent claim 1 recites in part "A system for enabling network users to establish at least one communication with one or more target network users, the one or more target network users being associated with a user indicator that is presented within two or more types of electronic documents, the system comprising: user indicator

presentation means for presenting one or more user indicators within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications and wherein each user indicator is associated with one or more target network users”

ICQ discloses some of the claimed limitations of claim 1 including “*status indicator means*” (e.g., see pages 4 and 5) and “*status determining means*” (e.g., see page 5). ICQ also discloses “*user indicator presentation means*”, such as a name (nickname) of the user/contact person with his/his status (online, offline, etc) shown in the display. ICQ further describes that the user has full control over the way his availability is presented to other users. Individual users select their availability status (see Quick Tour, page 4).

However, ICQ fails to further describe the functionality of the “*user indicator presentation means*” is “*for enabling presentation of one or more user indicators within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications and wherein each user indicator is associated with at least one target network user*” as recited in claim 1. Thus, the ICQ neither renders obvious nor anticipates the combination of claimed elements in light of the specification. Thus, claim 1 is allowed.

Independent claims 6, 13, 18, 26-29, 32 and 33 each recite features similar to those described above in claim 1. These claims are also allowed for at least the reasons provided above. Claims 2-5, 7-12, 14-17, 19-25, 30, and 31 depend from the above

independent claims. Thus, these claims are also allowed at least by virtue of their dependency from the allowed claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kincaid, Kristine, can be reached at (571) 272-4063 Art Unit 2173 and 2174.
4. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
4/24/06

